

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JESSE GRAYBILL,

Plaintiff,

vs.

**Case No.: 2:17-cv-418
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

PETTA ENTERPRISES, LLC,

Defendant.

ORDER

On September 25, 2018, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Plaintiff's Unopposed Motion for Final Approval be granted and that the Settlement Agreement be approved by the Court. Additionally, the Magistrate Judge recommended that the FLSA claims be finally certified pursuant to 29 U.S.C. §216(b), and that the following Settlement Class be finally certified pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3):

All individuals who work or worked for Defendant at any time from May 16, 2015 through April 25, 2018, as non-exempt and/or hourly employees and performed work as a field supervisor or technician;

It was further recommended that the parties be bound by the release set forth in the Settlement Agreement and that the action be dismissed with prejudice. Finally, that Class Counsel's Unopposed Motion for Attorney Fees and Costs be granted in the amount of \$38,955 and reimbursement of expenses in the amount of \$2,099.12, for a total combined amount of \$41,054.12. And that Representative Plaintiff be awarded a service award in the amount of \$5,500, in addition to recovery for unpaid time expended on pre-shift and post-shift work. (*See* Doc. 28).

The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

Accordingly, the *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. For the reasons set forth in detail in the *Report and Recommendation*, the Court finds that Plaintiff has met his burden of showing that the prerequisites for the certification of a class action pursuant to Rule 23(a) and Rule 23(b)(3) have been satisfied in this case, that the Settlement Agreement is fair, reasonable, and adequate, and that Class Counsel's requested award of fees and expenses is fair and reasonable. Accordingly, it is hereby **ORDERED** that:

(1) because the proposed settlement of the action on the terms and conditions set forth in the Settlement Agreement is fair, reasonable, adequate, and in the best interest of the Class, that Plaintiff's Unopposed Motion for Final Approval (Doc. 22) be **GRANTED** and that the Settlement Agreement be finally approved by the Court;

(2) the FLSA claims be finally certified pursuant to 29 U.S.C. § 216(b), and that the following Settlement Class be finally certified pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3):

All individuals who work or worked for Defendant at any time from May 16, 2015, through April 25, 2018, as non-exempt and/or hourly employees and performed work as a field supervisor or technician;

(3) the action be dismissed with prejudice pursuant to the terms of the Settlement Agreement;

(4) the Settlement Class, the Representative Plaintiff, and Defendant be bound by the release as set forth in the Settlement Agreement; and

(5) Class Counsel's Unopposed Motion for Fees and Costs (Doc. 18) be **GRANTED** and that Class Counsel be awarded reasonable attorneys' fees in the amount of \$38,955, and

reimbursement of expenses in the amount of \$2,099.12, for a total combined amount of \$41,054.12; and that Representative Plaintiff be awarded a service award in the amount of \$5,500, in addition to recovery for unpaid time expended on pre-shift and post-shift work.

The Clerk shall remove Documents 18, 22, and 28 from the Court's pending motions list and enter final judgment in this case.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT